IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA HARRISONBURG DIVISION

JUL 17 2008

JOHN F. CORGORAN GLERK

BY: JOHN TO CLERK

UNITED STATES OF AMERICA)
	Criminal Action No.: 5:06CR00014
)
v.	ORDER - 2255
)
) By: Samuel G. Wilson
JOSEPH RODNEY BROOKS) United States District Judge
)

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Joseph Rodney Brooks' motion pursuant to 28 U.S.C. § 2255 that his plea of guilty was involuntary and that he is actually innocent is **DISMISSED** without prejudice.

This matter is **STRICKEN** from the active docket of the court.

Joseph Rodney Brooks is advised he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

ENTER: This July <u>17/1</u>, 2008.

UNITED STATES DISTRICT JUDGE